UNITED STATES DISTRICT COURT DISTRICT OF DELAWARE

IN RE EPHEDRA PRODUCTS

Miscellaneous Action No.: 07-MC-00010

LIABILITY LITIGATION

(SLR)

04 M.D. 1598 (JSR)

KAREN MILLER, et al.,

Plaintiffs

(United States District Court, Southern

: District of New York)

VS.

Hon. Jed S. Rakoff

RS OLDCO, Inc., f/k/a REXALL

SUNDOWN,

INC., RL OLDCO, Inc., f/k/a

RICHARDSON LABS, Inc., and RITE

AID CORPORATION,

:

Defendants.

:

PERTAINS TO Miller v. RS Oldco, Inc., et

al., 1:05-cv-09064

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

Plaintiff and Defendants hereby stipulate and agree that the above-styled miscellaneous action is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1).

[Remainder of page left blank]

Stipulated and agreed to, this 27th day of February, 2007:

/s/ Scott D. Levensten

Scott D. Levensten, Esq. The Levensten Law Firm 1325 Spruce Street Philadelphia, PA 19107

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Tel: 513-698-5000 Fax: 513-698-5001 Counsel for Defendants

It appearing to the Court that the parties are in agreement, it is, SO ORDERED.

J. Robinson

I, Andrew S. Dupre, hereby certify that on February 27, 2007, I caused a copy of the foregoing Stipulation of Dismissal to be served via electronic mail and/or U.S. mail upon the following:

Plaintiffs' Counsel

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/s/ Andrew S. Dupre
Andrew S. Dupre (DE Bar ID #4621)